



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 27, 1996

Ms. Celamaine Cunniff
Regional Attorney
Texas Department of Protective and Regulatory Services
P.O. Box 4300
Tyler, Texas 75712

OR96-1789

Dear Ms. Cunniff:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101322.

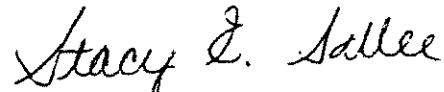
The Texas Department of Protective and Regulatory Services (the "department") received a request for the entire record of an investigation conducted by Child Protective Services. You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claimed and have reviewed the documents at issue.

Section 261.201 of the Family Code provides that, except as otherwise provided by that section, the files, reports, records, communications, and working papers used or developed in an investigation under chapter 261 or in providing services as a result of an investigation are confidential and not subject to release under chapter 552 of the Government Code. Fam. Code § 261.201(a)(2). It does not appear that the requestor is a "parent, managing conservator, or other legal representative of a child who is the subject of reported abuse or neglect" and, therefore, subsection (f) of section 261.201 does not apply here. Similarly, subsection (b), which describes the conditions when a court may order the disclosure of information made confidential by subsection (a), is not applicable. Therefore, the requested information is confidential under section 261.201 and must be withheld from this requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous

determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script that reads "Stacy E. Sallee".

Stacy E. Sallee
Assistant Attorney General
Open Records Division

SES/ch

Ref.: ID# 101322

Enclosures: Submitted documents

cc: Mr. Bryan Johnston
James L. Thompson & Associates, P.C.
3900 Southpark Drive
Tyler, Texas 75703
(w/o enclosures)